

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

FLAMES OF ALBION MUSIC, INC.,]
J. ALBERT & SON (USA), INC.,]
TVT MUSIC ENTERPRISES, LLC,]
and 50 CENT MUSIC,]
] Plaintiffs,]
]]
v.]] CV-09-BE-2479-S
]]
CASSIE'S PUB 261, LLC;]
CASSANDRA L. FRENCH a/k/a]
CASSIE HILL; and PAUL HILL,]
]]
Defendants.]

MEMORANDUM OPINION

On November 9, 2010, the magistrate judge entered his Report and Recommendation, recommending that Plaintiffs' motion for default judgment against the three defendants named to this action be granted and default judgment be entered in favor of the plaintiffs against all three defendants, jointly and severally. The Report and Recommendation required any specific written objections to be filed by November 24, 2010. No party filed any objection.

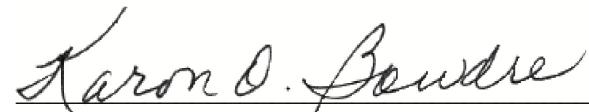
The court has carefully considered the Record in this case, together with the magistrate judge's Report and Recommendation, and has reached an independent conclusion that the Report and Recommendation is due to be adopted and approved. The default of the defendants is clearly established and the well-pleaded allegations of the Plaintiffs' amended complaint, taken as true, state a substantive cause of action for copyright infringement and articulate a substantive, sufficient basis for relief in the form of damages. The court will enter a separate Order adopting

and approving the recommendations and findings of the magistrate judge.

As to damages, the court has discretion to award statutory damages for the copyright infringements alleged within the range of \$750 to \$30,000 per infringement. 17 U.S. C. § 504(c)(1) (“[T]he copyright owner may elect, at any time before final judgment is rendered, to recover, instead of actual damages and profits, an award of statutory damages for all infringements involved in the action, with respect to any one work, for which any one infringer is liable individually, or for which any two or more infringers are liable jointly and severally, in a sum of not less than \$750 or more than \$30,000 *as the court considers just . . .*”) (emphasis added). Plaintiffs have requested statutory damages in the amount of \$5,000 per infringement. Reviewing similar cases, the court agrees with the magistrate judge that statutory damages in the amount of \$2,500 per infringement is warranted in this matter, for a total of \$7,000 in statutory damages for the three infringements alleged in the amended complaint.

In addition, this court has discretion to award Plaintiffs costs and reasonable attorney’s fees pursuant to 17 U.S. C. § 505, and is persuaded to do so in accordance with the magistrate judge’s recommendation. Accordingly, in its Order to be entered contemporaneously, the court will grant Plaintiffs’ motion for default judgment in the amounts recommended by the magistrate judge, including the \$8,146.40 alleged in fees and expenses to be awarded *pro rata* among the three named plaintiffs.

DONE and ORDERED this 7th day of December, 2010.



KARON OWEN BOWDRE
UNITED STATES DISTRICT JUDGE